UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,347	10/26/2001	Steven T. Breidenbach	10010026 -1	2380

7590 10/30/2007

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
PILLAI, NAMITHA	

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/046,347
Filing Date: October 26, 2001
Appellant(s): BREIDENBACH ET AL.

David R. Risley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/26/07 appealing from the Office action mailed 1/25/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,452,695	CASEY	9-2002
6,789,111	BROCKWAY	9-2004

"Wireless Networks" May 27, 1995, pp. 1-2

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-6 and 8-11 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,452,95 B1 (Casey et al.), herein referred to as Casey.

Referring to claim 1, Casey discloses a system for improving the performance of a plurality of peripheral devices (column 1, lines 7-9). Casey discloses a first peripheral device comprising a first software component and having a first functionality (column 2, lines 58-61 and column 3, lines 3-4). Casey also discloses a second peripheral device comprising a second software component and having a second functionality, the second peripheral device being coupled to the first peripheral device (column 2, lines 61-67 and column 3, lines 1-5). Casey discloses that the first and second peripheral devices together perform a third functionality in addition to the first and second functionalities (column 3, lines 34-39). Casey further discloses no intermediate computing device positioned along the communication path between the peripheral devices (column 5, lines 16-21). Casey discloses a teaching wherein the first peripheral device would

include the display on which would be presented a graphical user interface such as a control panel that would present the third functionality of a digital copier to a user for selection (column 4, lines 1-5). Casey has disclosed that the peripheral devices can be directly connected to each other, without being connected to an intermediate computing device (column 5, lines 15-20).

Referring to claim 3, Casey discloses that the first and second peripheral devices are coupled via a network (column 1, lines 46-48).

Referring to claim 5, Casey discloses that the first and second peripheral devices are coupled directly to each other (column 5, lines 16-20).

Referring to claim 6, Casey discloses that the first peripheral device is a scanner and the second peripheral device is a printer and the third functionality is a copying functionality (column 1, lines 9-13).

Referring to claim 8, Casey discloses first software component of the first peripheral device and the second software component of the second peripheral device allow the first and second peripheral devices to exchange information over a network, pertaining to the identity of the first peripheral device and the second peripheral device (column 3, lines 3-8).

Referring to claim 9, Casey discloses that the information exchanged between the first and second peripheral devices further comprises information relating to the capabilities of the first peripheral device and the second peripheral device (column 5, lines 61-67 and column 6, lines 1-6).

Referring to claim 10, Casey discloses that the first peripheral device modifies its capabilities based on the information received from the second peripheral device (column 6, lines 44-50), wherein the printer modifies its capabilities based on the image input device's capabilities.

Referring to claim 11, Casey discloses that the first peripheral device presents to a user with a graphical user interface a menu of available functionality based on the information received from the second peripheral device (column 3, lines 34-39), wherein the control panel displays a menu based on functionality that is representative of both peripheral devices.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Casey and "Wireless Networks".

Referring to claim 4, Casey does not specifically disclose that the first and second peripheral devices are coupled via a wireless network. It would have been obvious for one skilled in the art at the time of the invention to implement a wireless network through which the devices are coupled. Wireless networks have been a growing trend in the field, wherein networks that are existing such as the Internet, as disclosed in Casey and which may previously have been connected via cables have

been introduced to wireless networks wherein all connectivity would be wireless. "Wireless Networks" teaches the advantages of having a wireless network and the features of network that are wireless (page 1, lines 12-15). It would have been obvious for one skilled in the art at the time of the invention to learn from the "Wireless Network" to implement a means wherein a network would be wireless.

Claims 24-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casey and U. S. Patent No. 6, 789, 111 B1 (Brockway et al.), herein referred to as Brockway.

Referring to claims 24 and 32, Casey discloses a method practiced by a personal computer (PC) for providing additional functionality from peripheral devices (column 1, lines 7-13). Casey discloses presenting to the user with the PC a functionality that is available through combination of the capabilities of the identified peripheral devices, the functionality being a functionality that is not independently provided by the identified peripheral devices (column 3, lines 14-20). Casey discloses a system with peripheral devices but does not clearly disclose searching and identifying, and determining the capabilities of these peripheral devices in a PC. Brockway clearly discloses the automatic detection, including searching and identifying peripheral devices connected to a computer, further determining the capabilities of each identified peripheral device using the PC, determining the capabilities including identifying components of the device and accessing driver information based on the capabilities (column 2, lines 16-24). It would have been obvious to one skilled in the art, at the time of the invention to learn from Brockway to search and identify peripheral devices and determine the

capabilities of each identified device using a PC. Casey is a system that involves the connection of peripheral devices to a computer system. Brockway teaches that searching and identifying of peripheral devices is needed in systems with devices attached to a system, where the search and identification process would alleviate the user from having to manually install any new devices (column 1, lines 31-45). Therefore, one skilled in the art at the time of the invention would have been motivated to learn from Brockway to search and identify peripheral devices and determine the capabilities of each identified device using a PC.

Referring to claims 25 and 33, Casey and Brockway disclose automatically querying all peripheral devices on a network to which the PC is connected (Brockway, column 2, lines 63-67).

Referring to claim 26, Casey and Brockway discloses determining the capabilities of the identified peripheral devices further comprises receiving information from peripheral device software provided on each identified peripheral device (Casey, column 4, lines 38-48 and Brockway, column 2, lines 54-60).

Referring to claims 27 and 34, Casey and Brockway disclose storing information about the peripheral device capabilities in a registry of the PC (column 3, lines 35-40).

Referring to claims 28 and 35, Casey discloses presenting functionality to the user comprises presenting the functionality to the user with a graphical user interface (GUI) on a display associated with the PC (Figure 2 and column 3, lines 34-39).

Referring to claim 29, Casey and Brockway disclose that the GUI comprises a menu (Casey, Figure 2), but does not explicitly show that the menu is a pull-down

menu. It would have been obvious for one skilled in the art, at the time of the invention to display a pull-down menu. Casey clearly displays a menu, wherein a pull-down menu is simply a type of menu that is displayed for listing items to be selected by the user. As is well known the field of graphical user interfaces, various types of menus can be displayed for selection including the listed items menu as shown in Figure 2 of Casey and the pull-down menu. The Examiner takes Official Notice wherein it is a well-known feature that a pull-down menu can be displayed containing much of the components as shown in the control panel of Figure 2. It is well known in the field of graphical user interfaces, at the time of the invention, that a pull-down menu can be displayed and used for selection of various items.

Referring to claims 30 and 36, Casey discloses that the GUI displays the complete set of tasks that can be performed through combination of the capabilities of the identified peripheral devices (column 3, lines 34-39).

Referring to claims 31 and 37, Casey discloses presenting functionality to the user comprises presenting a copying functionality that is available due to a scanning capability of a scanner and a printing capability of a printer (column 6, lines 7-13).

Referring to claim 38, Casey discloses a peripheral device with capabilities to automatically present a functionality option to a user that is only available through combination of the capabilities of the peripheral device and at least one of the compatible peripheral devices (column 3, lines 14-21). Casey does not clearly disclose auto recognition logic with the components disclosed in claim 38. Brockway discloses an auto recognition logic (column 4, lines 58-62), that transmits a messages announcing

the presence of a peripheral device, this announcing and transmitting of messages between client and server machines teaching transmitting broadcast messages on a network to announce the presence of the peripheral device on the network (column 3, lines 20-25). Brockway discloses receiving transmitted response signals from the devices and the client connected to the device, all on the network, with information identifying and the capabilities of the peripheral devices (column 6, lines 5-12). It would have been obvious to one skilled in the art, at the time of the invention to learn from Brockway to use auto recognition logic to announce the presence of peripheral devices on a network and to communicate information about the capabilities and identification of the peripheral devices. Casey is a system that involves the connection of peripheral devices to a computer system. Brockway teaches that searching and identifying of peripheral devices is needed in systems with devices attached to a system, where the automatic recognition process would alleviate the user from having to manually install any new devices (column 1, lines 31-45). Therefore, one skilled in the art at the time of the invention would have been motivated to learn from Brockway to implement auto recognition logic to announce the presence of peripheral devices on a network and to communicate information about the capabilities and identification of the peripheral devices.

Referring to claim 39, Casey and Brockway disclose that the auto-recognition logic comprises a software component that is configured to modify a capability of the peripheral device based upon the information received from the compatible peripheral devices (Casey, column 3, lines 3-12).

Referring to claim 40, Casey and Brockway disclose that the auto-recognition logic presents the functionality option to the user in a graphical user interface (GUI) of the peripheral device (Casey, column 4, lines 1-5).

Referring to claim 41, Casey discloses that the peripheral device is a scanner and the functionality is a copying functionality (column 2, lines 58-67).
Referring to claim 42, Casey discloses that the peripheral device is a digital camera and the functionality is image printing (column 2, lines 58-67).

(10) Response to Argument

A. Claim Rejections – 35 U.S.C. § 102(e)

Casey discloses a network (400) of Figure 1 from which device data can be retrieved. Figure 1 also discloses local area network, which includes the devices (100, 300, 200, 410) that are connected to each other. Applicant's description of a network includes a network, which is a connection of devices, which can be used in a home or office environment. Therefore, the connected devices of Figure 1 itself represent a network. The local area network of Figure 1 connects a number of devices including the adapter device, image input device, printer and PC. With all the devices being part of this local area network, the image input device and printer are coupled to each other via this same network. Through this local area network of the devices, the image input device and printer are connected. The connection between the image input device and the printer are through this local area network to which both the devices belong.

Casey has disclosed how the adapter device need not be a separate device and can be incorporated into either the printer or the image input device. This incorporation

of the adapter device into one of the printer or image input devices would include all components that have been previously disclosed in Casey as being included within the adapter device. This includes means for accessing software data from the network where this software driver data is used for carrying out the functionality of the device. Therefore, in an example when the adapter device is incorporated into the printer, the printer device would have the capability to communicate with the network to access software data. The adapter device has been described as having the means to communicate with the network to access necessary device data (column 3, lines 5-10). This same adapter device is then later described as being able to be incorporated into one of the printer or image input devices for direct connection between the printer and image input device. The incorporation of the adapter device into either of the printer or image input device includes all the functionality of the adapter device that the adapter device is able to carry out. The incorporation of this adapter device into one of the printer or image input devices includes incorporation of all functionality that can be carried out by the adapter device. The adapter device has the capability to communicate with the network (400 of Figure 1) to access device data.

The local area network of Figure 1 formed by the connection of the devices allows for the printer and image input device, which belong in this network to communicate between each other. These devices have means through which information can be exchanged, for example providing image input data from the image input device to the printer so that image data can be printed. This information which is

being exchanged within this local area network reads on the image input device and printer exchanging information with each other.

The information that is exchanged including image input device and printing of these image input device is associated with the capabilities of the printer and image input device. The image input device exchanging the image input with the printer device for printing is information that relays the capabilities of the image input device. The image input information discloses how the capabilities of the image input device are used to access image input data and exchange this information with the printer device. The information that is exchanged is a result of and therefore relates to the capabilities that the image input device has to access image input data.

When the image input device has exchanged the image input data with the printer, the printer is able to further modify the capabilities of the printer from its current status to a printing status for providing a hard copy of the image input information that has been provided by the image input device. The capabilities performed by the printer in response to this exchange of image input information are a modification of the capabilities of the printer.

B. Claim Rejections – 35 U.S.C. § 103 (a)

The network of Figure 1 includes an adapter device with a processor along with a PC that is connected to one of the peripheral devices, the printer. This PC provides information for added functionality to peripheral devices (column 3, lines 7-10). A personal computer allows for a user to operate a computer machine where the adapter device including a central processing unit, display control panel means for user

interaction and selection (reference number 110, Figure 2), memory and controllers for carrying out specific functionality. Furthermore, the broadest reasonable interpretation for a computer in the field includes any electronic, digital device which stores and processes information. The adapter device of Casey clearly has known computer components along with the means to store and process information. Therefore, Casey does disclose a clearly defined PC in addition to the adapter device, which represents a PC. In view of this, the combination of Casey and Brockway would have been obvious to one skilled in the art at the time of the invention.

Brockway discloses identifying peripheral devices and further identify capabilities of this device to determine and install drives that would be compatible with these peripheral devices. The means for identifying the peripheral device including the manufacturer and model number is to identify the peripheral device and its capabilities for which drives can be installed with the peripheral device. This is a determination of the capabilities of the peripheral device. Determining a driver capability of a device reads on determining the capabilities of peripheral device. See column 2, lines 15-23. Determining and installing a driver that is compatible with a peripheral device reads on determining capabilities of the device, where the driver that can be correctly used is a capability of the device.

The combination of Casey and Brockway would have been obvious to one skilled in the art at the time of the invention in view of motivation provided in Brockway. Brockway has clearly disclosed that in systems where peripheral devices are used, the automatic detection of these devices within the network would be beneficial to the user

(column 1, lines 31-45). This advantage provides motivation for the user of Casey to learn from Brockway to search and identify peripheral devices connected within a network of devices automatically.

Casey has clearly defined the user interface buttons of Figure 2 as the set of tasks which can be carried out when the peripheral devices are combined to carry out added functionality. The functions provided in this control panel does represent a complete set of tasks which the user can select and where these tasks are the combination of capabilities of both the image input device and the printer of Casey.

Applicant's definition of peripheral devices discloses that electronic devices used can be directed connected to a computer or PC or can also be connected to each other through a network. Therefore, the adapter device can represent a peripheral device, which is connected to other devices via a network.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Namitha Pillai
Patent Examiner
Art Unit 2173
October 24, 2007

Conferees:

Lynne H. Browne
Appeal Practice Specialist, TQAS
Technology Center 2100
October 24, 2007

John Cabeca
Supervisory Patent Examiner
Art Unit 2173
October 24, 2007